IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9568 0f 2003.

The Municipal Corporation of the
City of Pune. ... Petitioner.
V/s.
Mansukhlal Fulchand Munt & anr. .. Respondents.

Shri R.G. Ketkar for the petitioner.

Shri S.G. Surana for the respondents.

CORAM: R.C.CHAVAN,J

DATED: 11th January 2007.

P.C.:

. By this petition, the petitioner-Municipal Corporation takes exception to the order passed by the District Judge, Pune, dismissing petitioner's appeal challenging the order passed by the learned Judge of the Small Causes at Pune, in Municipal Appeal No.37/1995 before it. According to the petitioner- Corporation, the rateable value of the respondents' structure was rightly fixed by the Corporation at Rs. 35,150/-. The respondents took exception to the value and preferred municipal appeal before the appellate Bench of the Small Causes Court, who held rateable value at Rs. 5200/- on the premise that rateable value of the adjacent structure had been fixed by the Municipal Corporation at Rs.2600/-. Upon appeal by the Corporation, the learned District

Judge held that since adjacent occupant was assessed at Rs. 2600/- on the basis of the bills produced, the learned Judge of the Small Causes Court had rightly fixed the rateable value at Rs. 5200/-.

2. Learned Counsel for the petitioner could not show as to why discrimination in rateable value of the adjacent structures was warranted. While there could be no doubt, that cost of construction is also method of arriving at rateable value, that is not the only method and since, as a public body, the Corporation could not discriminate between the owners while fixing rateable value, no fault can be found with the order passed by the Courts below and so no interferene in exercise of writ jurisdiction under Article 227 of the Constitution of India is called for. Petition is devoid of any merit and, the same is, therefore, dismissed.

(R.C.CHAVAN,J.)